

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

KRISTINA FINK, on behalf of)
the Nation Safe Drivers Employee)
Stock Ownership Plan, and on)
behalf of a class of all other)
persons similarly situated,)
)
Plaintiff,)
)
v.) C.A. No. 19-1193 (CFC)
)
WILMINGTON TRUST, N.A., as)
successor to Wilmington Trust)
Retirement and Institutional)
Trust Services Company,)
MICHAEL SMITH, ANDREW)
SMITH, and FRANK)
MENNELLA,)
)
Defendants.)

**DEFENDANTS' MICHAEL SMITH, ANDREW SMITH AND
FRANK MENNELLA MOTION TO DISMISS FOR LACK OF
PERSONAL JURISDICTION, OR IN THE ALTERNATIVE,
MOTION TO TRANSFER VENUE**

Defendants Michael Smith, Andrew Smith, and Frank Mennella (the “Individual Defendants”) move under Fed. R. Civ. P. 12(b)(2) to dismiss for lack of personal jurisdiction. In the alternative, Individual Defendants move

under 28 U.S.C. § 1404 to transfer venue to the U.S. District Court for the Southern District of Florida.

The grounds for this motion are set forth in Individual Defendants' Opening Brief and accompanying exhibits, filed concurrently.

September 9, 2019

McDERMOTT WILL & EMERY LLP

/s/ Ethan H. Townsend

OF COUNSEL

Theodore M. Becker
McDERMOTT WILL &
EMERY LLP
444 W. Lake Street
Chicago, IL 60606
Phone: (312) 984-6934
tbecker@mwe.com

Ashley R. Altschuler (#3803)
Ethan H. Townsend (#5813)
The Nemours Building
1007 North Orange Street, 4th Floor
Wilmington, DE 19801
Phone: (302) 485-3910
aaltschuler@mwe.com
ehtownsend@mwe.com

Allison S. Crowe
McDERMOTT WILL &
EMERY LLP
340 Madison Avenue
New York, NY 10173
Phone: (212) 547-5547
acrowe@mwe.com

*Attorneys for Defendants Michael Smith,
Andrew Smith and Frank Mennella*

RULE 7.1.1 CERTIFICATION

Pursuant to D. Del. LR 7.1.1, counsel for the parties met and conferred on the subject of this motion on September 6, 2019. Plaintiff indicated that she will oppose the Motion.

Dated: September 6, 2019

/s/ Ethan H. Townsend

Ethan H. Townsend (#5813)